XLIIID CONGRESS-IST SESSION

REGULAR REPORT OF PROCEEDINGS. A SUBSTITUTE FOR THE HOUSE CURRENCY BILL RE-PORTED IN THE SENATE-THE SESSIONS OF THE HOUSE TO BEGIN HEREAFTER AT 11 O'CLOCK-THE CENTENNIAL APPROPRIATION BILL-A LONG DEBATE ON THE SUBJECT, WHICH IS CONTINUED

IN AN EVENING SESSION.
SENATE ... WASHINGTON, May 6, 1874. The House bill to establish an Assay Office

at Helena, Montana Territory, was passed. Mr. SHERMAN (Rep., Ohio), from the Finance Committee, reported back the House but amendatory of the National Currency acts, and to establish Free Banking. with an amendment in the shape of a substitute. Placed

on the calendar.

Mr. FERRY (Rep., Mich.) said he did not desire it to be understood that this was a finantinous report of the Committee. There were some things upon which the Committee was united, and others upon which it was divided, and he reserved to himself the right of a minor-

divided, and he reserved to the control of the control of the citizens of New-York City, Albany, Buffalo, and Rochester, N. Y.; Cleveland and Toledo, Ohio, and Eric, Penn., engaged in the transportation of swine from the West to the East, praying that those animals be excepted from the provisions of the House bill to

and Eris, Penn., engaged in the transport of the West to the East, praying that those animals be excepted from the provisions of the House bill to prevent cruelty to animals while in transit by railroad or other means of transportation within the United States. Referred to the Committee on Transportation. Mr. BOREMAN (Rep. W. Va.) gave notice that he would ask the Sanate at an early day to consider the bill to establish the Territory of Pembina, and to provide a temperary government therefor.

Mr. PRAIT (Rep., Ind.) from the Committee on Pensions by unanimous consent, explained the provisions of the bill reported by him yesterday, amendatory of the act granting pensions to the soldiers and sailors of the war of ISL, and to restore to the pension rolls the names of those persons which were stricken therefrom in consequence of disloyalty. He said Congress had granted 70,000,000 of neres of bounty lands to soldiers who had served in the several wars, exclusive of the granted 76,000,000 of acres of bounty made to society who had served in the several wars, exclusive of the late rebellion. It would require an appropriation of 6,000,000 to meet the requirements of the present bill, exclusive of arrears. The bill had been agreed to by a majority of the Committee, but he (Mr. Pratt) was opposed to some of its provisions.

Mr. SHEKMAN (Rep., Ohio) called up the House bill to facilitate the expertation of distilled spirits, and

posed to some of its provisions.

Mr. SHERMAN (Rep., Olmo) called up the House bill to facilitate the exportation of distilled spirits, and wmendatory of the asts in relation thereto. Passed.

Mr. MORRHLL (Rep., Vt.) said it would probably be more convenient for the Senate to consider the bill regulating gas works, and he therefore moved that it be taken up. Agreed to. He explained the provisions of the bill, and said it fixed the price of gas at \$2.59 per 1.000 feet. The Committee had received a number of propositions from persons who desired to organize a new company here to invalid has price of gas at \$2.59 per 1.000 feet. The bill was passed.

Mr. FRELINGHUYCEN (Rep., N. J.) said he would call up the Civil Rights bill, but he had been informed that there were two or three gentlemen who desired to speak, but were not prepared to do so to-day. He would therefore left it by ever to accommedate them. He also said that the Charrana of the Jadiciary Committee (Mr. Edmunds) desired him to give notice that he would call up the Geneva Award bill to-morrow.

The Senate then at 2 o'clock, on motion of Mr. BOREMAN (Rep., W. Va.) proceeded to the consideration of executive business, and when the doors were reopened the Senate adjourned.

HOUSE OF REPRESENTATIVES.

Mr. Dawes (Rep., Mass.), Chairman of the Committee on Ways and Means, remarked that on Monday last he had opposed the motion to have the hour of meeting changed to it o'clock. He had done so in con-sideration of the amount of business to be performed by the Committee on Ways and Means but the pressure of business in Congress now compelled him to yield all opposition to that motion, and now he asked unanimous nt to move that, until otherwise ordered, the House Me. SHELDON (Rep., La.)—On condition that there be

To evening sessions.

To SPEAKER-If the House meet at 11 o'clock the

necessity for evening sessions will be dispensed with.

Mr. PELHAM (Rep., Ala.)—I object to the motion.

Mr. GARFIELD (Rep., Ohio), Chairman of the Committee on Appropriations—We must either meet at 11 o'clock or stay here till August.

Mr. HAWLEY (Rep., 111), Chairman of the Committee on Chairman.

o'clock or siar here till August.

Mr. Ha Willy (Rep., Hi), Conirman of the Committee on Claims—I do not see the use of committees meeting at 9 or 10 o'clock every morning. There is now more business reported from committees than can be attended to. There are over 50 bills on the general calendar.

Mr. DAWIS—The Committee on Ways and Means has not been called for two months, and it will be two weeks before it which the country will not excase it if it does not report. I have asked to make the motion because I felt that heving opp sed it has Menday, it becomes me to do something toward forwarding the business of the House. The Committee on Ways and Means has met every day at 10 clock, and for a considerable part of the session has held evening sessions till 10 c'clock.

After some further discussion Mr. PELHAM refused to withdraw his objection, and Mr. HAWLEY (Rep., Hi), gave notice that he would make the motion next Monday under a suspension of the ruica.

Mr. 11 AWLEY (Rep., Hi), from the Committee on Military Affairs, reported back the Senate bill for the relief of the settlers on the Fort Randall military reservation in Dakota. Passed.

At this stage of the proceedings Mr. PELHAM (Rep., Ala), withdre w his objection to the motion to fix the dairy bour of meeting at 11 o'clock, and 18 was so or-

Ala.) witherew his objection to the motion to fix the daily bour of meeting at 11 o'clock, and it was so or dered. THE CENTENNIAL APPROPRIATION BILL.

The tiouse then went into Committee of the Whole, Mr. HOSKINS (Rep., N. Y.) in the chair, on the Centenpial Appropriation bill, and was addressed by Mr. COBB (Rep., Kan.) in opposition to it. He described the measure as being presented dressed in its Sunday best, as chaperoned and grouned by the distinguished gentle-man from Pennsylvania (Mr. Kelley) whose fame was as wide as the costment, fided by his colleague (Mr. Myers), who, like Edward of Laneaster, was one of the sweetest and loveliest gentlemen ever framed in the producitity of nature. Its advocacy, however, would awactest and loveleter grateful with the aid of the flustrious gentlemen from Connectiont (Mr. Hawley), President of the Centennial Board. There was also an outside force swarming in the lebbles and committee rooms, and in niches and recesses of the building, pressing members to support the measure. The presence of that outside force had been demonstrated vesterday in the crowded galleries, and in the applause with which speeches in flavor of the bill had been greeted.

The people of the West would have a happier Centennial at hume than all the splendor and pageantry of the World's Fair could afford, if they were not in debt for the roofs that sheltered them. There was a deficit of \$12,000,000 in the yearly revenue. The tea and coffee of

the book of the way proposed to be taxed higher. Poor the year proposed to be taxed higher. Poor down, and deverment subaltens were everywhere preyed upon by the spirit of economy. The compensation of members had been reduced so that it would barely support them. Niggardly legislation in all matters of Government was a necessity, and yet they were to give \$3,000,000 at one stroke for the Centennial. Great as might be the exhibition of foily and siapidity and crime which Congress would exhibit in the passace of this bill. Mr. HARRISON (Rep., Tenn.) advocated the bill and argued that the question should stand on its own merits, unaffected by what certain rentlement might have said in the inciplency of the movement. He believed that more would be accomposed jextibition than expense of the control of the cont

bankrupt. Forty millions of people, a measureless seaboard, rivers, lakes, canals, a network of railways, manufactures, agriculture, fertile prairies, mines of iron, coal, coper, sliver, and goid, commerce and ship-building springing into new life and settivity, and yet the nation sankrupit Thatkind of talk might commend lisolito the Committee on Appropriations, but that Committee would have work to convince the nation that it was bankrupt when they reported bills paying \$66 a month for a boy to brush their books, and \$1,700 a year for a must to open their door, or to kiek his beels against the marble floor of the Capitol, and report millions of dollars for public buildings in Chicago, New-York and Boston. The door of bankruptey, in my judgment, is open. I see on the one hand disgrace to my country, and on the other hand I see my country, and on the other hand I see my country, with new power and new glory among the nations of the carth. By celebrating this event, as has been provided for, I believe that the gallering of the specific or its second with my patriotism, or the patriotism of anybody else, the nations have much more wealth, made more purple and fine linen. The European nations have much more wealth, made more purple and fine linen with which to deck "the long-drawn fine linen with which to deck "the long-drawn fine linen with which to deck "the long-drawn has been provided for, I believe that the gallering of the second line line with which to deck "the long-drawn fine linen with which to deck "the long-drawn has been provided for, I believe that the gallering of the second line line with which to deck "the long-drawn fine linen with which to deck "the long-drawn has been provided for, I believe that the gallering of the second line line with which to deek "the long-drawn has been provided for, I believe that the gallering of the second line line with which to deck "the long-drawn has been provided for, I believe that the gallering of the second line line with which to deck "the long-drawn has been

who have blood like the blood of the turnip call it so. I am a sentimentalist. What sort of a letter is the 3-ore try of State to send to Prince Bismarck if Oongress rejects this bill? It would be something like this:

My Dhan Sire: I am directed by Congress to express its delight at your acceptance of the President's invitation, but I am also desired to say, on behalf of the American people, that some citizens of Pennsylvania, and of Philadelphia especially, cheated by false pretenses the intelligent American Congress into passing a law under which the President intelligentiy issued his proclamation. I am instructed further to say that our finances are in a deplorable condition; that we are called upon to pay \$3,000,000 to entertain your people as our guests, and we cannot by any possibility do it; and if we could, I am instructed to say further that the people of Pennsylvania, having cheated us by false pretenses once, will makefa raid upon us by and by, and we will be called upon to pay \$3,000,000 more.

Mr. HALE (Rep., Me.)—That would be a pretty good letter.

Mr. FEYE—According to my colleague's estimate, it

Mr. HALE (Rep., Me.)—That would be a pretty good letter.
Mr. FRYE—According 'to my colleague's estimate, it would be a dignified letter to send. There is no "spread eagle" in that. There might be another letter written to one of these flittle powers like the Netherlands. It would read like this:
Sin: The American Congress instructs me to say, that, while it admits you have had something of a history among the nations of the earth, yet you are to-day small and insignificant, and hardly worthy the notice of a great people like ours; and I am instructed to say to you that the invitation of the President of the United States, which you accepted, is hereby withfrawn.

[Laughter.]
And so, with the rest of the powers, one after another; and yet you expect the American people to allow you to

Laughter.)
And so, with the rest of the powers, one after another; and yet you expect the American people to allow you to cip the wings of its eagle in that way, do you?
Mr. COBB, (Rep., Kas).—What sort of a letter would the gentleman write to the people relative to that act of Congress which said that the Government should never be called upon to aid this celebration? Would be embody in that letter the idea that we may break faith with the American people, but that we must keep it with foreign princes?
Mr. FRYE—I heard from my colleague (Mr. Hale) yesterday a 40 minute history of this enterprise—when it was born, what swaddling clothes were placed upon it, in what cradie it was rocked, who were the nurses and who the parents—and I say now to the gentleman from Kansas, that not one single word in that history is applicable to the question now before Congress. These were all the secrets of the chamber in which the babe was born, and not one word of that history ever went to the world. I am dealing with those facts that were by authority sent abroad to all the nations of the earth through their diplomatic representatives, not what took place in our own shent chamber.

Mr. GUNCKEL, (Rep., thio) opposed the bill. He said that he had several Fourth of July orations at home but that they were not at hand. He hoped he would be pardened for having nothing to say of this great and glorious country, of the star-spangled banner or of the American cagie. But he would come down at once to the plain and practical question. No city or town had been in the habit of asking a subsidy to celebrate the Fourth of July and he did not propose to vote for any such subsidy.

Mr. McCORMICK (Rep., Arizona) made a remark, to

it was unanimously voted that every mother's son of them should have a spree whenever he chose, provided he paid his own bills, and I was reminded of Mr. Skimpole, whose rhetoric was beautiful, but the color of whose money was never seen; but I was still more reminded of that impecunious but eloquent philosopher Meawber, who dived into the unfathomable, who soared into the infinite, but who never paid cash; and while I am so unpatriotic, so unsentimental, so lacking in eloquence as to refuse to profit by this occasion, there is not a man, unless he comes from my own State, who can east the first stone at me. The State of New-Jersey gave something besides words; it gave \$100,000. The other States have either refused their words or have given their words, and have refused their money.

Passing on to criticise the propriety of inviting foreign powers to attend the celebration, he said: We ask them to celebrate our giory and their humiliation; the rise of the institutions which we cherish, and the fail of the institutions which they admire and cherish. Under such circumstances can we expect that England will take a zealous interest in an enterprise which celebrates the loss of the finest jewel that was in her crown! Can we expect that William, already struggling with the independence of his own Parliament, will desire to call the attention of his Prussian magnates to the more conspicuous exhibition of this Republican Government! Can we expect MacMahon, who, in the name of Brutus, is wickling the scepter of the Cusars, to call the attention of France to a Government which is of the people, by the people, and for the people it is easied to the intermediate of the contraction of the great to make of this an international exhibition, and to invite men who belong to what is called the effet monarchies to come here and rejoice with us to our celebration is absurd and Indicrous. It is, to me, as if a man urging his unwelling backelor friend to marry should tell him that if he would only marry he would get a mother-in-law

t will be the main thing on the bill of fare, the prend Eagle" in all his glory, and in every variety of

Mr. PHELPS-This conundram, so unexpectedly

ous nature, and we owe this intelligence, this patriotism, this virtue, all the developments of our natural resources, to that devil and religious liberty which the fathers of '76 declared.

Let us celebrate that declaration in our own way, aping no claberate and costly precedent of European origin. Let our citizens gather with their wives and children. Let the scholars, the orators, the poets, the pricate of the nation, be there. Let the anthems of freedom be sung by a free people; let the story of the past be told by our poets; let our orators recount the achievements of the present; let our priests prophesy and pray for the future. This would be a successful celebration, and one whereof no one need be ashamed. Here I might stop. But can there be a celebration where this House is not if this must be cured—if Hamlet must be put in his own play—let us have the session once falked of in Independence Hall. Let this noble three hundred gather under that historic roof. Let the oldest member from Pennsylvania (Mr. Kelley) roll the volume of his magnificent voice in the longest speech; let the member from Pennsylvania (Mr. Kelley) roll the volume of his magnificent voice in the longest speech; let the member from Pennsylvania (Mr. Kelley) roll the volume of his magnificent was the session of the hongest speech; let the member from Pennsylvania (Mr. Kelley) roll the volume of his magnificent voice in the longest speech; let the member from Pennsylvania (Mr. Kelley) roll the volume of his magnificent for the former of the product of the member from Pennsylvania (Mr. Kelley) roll the volume of his magnificent former of the product of the member from Pennsylvania (Mr. Kelley) roll the volume of his magnificent former of the former o Pennsylvania (Mr. Kelley) roll the volume of his magmificent voice in the longest speech; let the member
from Massachusetts (Mr. Butler), the friend of the poor
man, boast the unpatented broider of the satin slipper
that each Essex plowman shall ultimately wear
[aughter]; let the flery gculleman frem Indiana
(Mr. Snanks) proclaim his gratitude to the
Indian who spared the farest scalp of the ace
[aughter]; let my young friend from Chicago (Mr.
Ward) shake his grayey locks, and bore afresh the Satro
Tannel; let the member from Printing House Square
(Mr. Melhab) read his last speech on the finances; while
the beloved nember from New-York, hovering cherablike in mid-air, shall distill perpetual dew-drops of wit
and fancy on an appreciative House. [Renewed laughter.]

ter.i The session will finally, under the operation of the The session will finally, under the operation of the The session will finally, under the operation of the previous question, draw to a close. Then the Speaker of the House, dropping the interoscope, with which he tests the parliamentary points of our acute brother (Mr. G. F. Hoar), shall shout no longer the familiar "Also," nor "Third reading of an engreesed bill!" but, wielding a gavel of pure gold, ery, "This bill has been read a third time—shall it pass!" and then close the Centennial by the announcement that "the bill is passed!"—a bill to make gold and silver coin the only legal tender! Then, with approving shout, shall the Centennial Session stand adjourned to the Fourth of July, 1796! [Laughter and applause.]

stand adjourned to the Fouriti of July, 1795 i [Laughter and applains.]

At \$\frac{1}{2}\$ of clock the House took a recess till \$7\frac{1}{2}\$. When the session was resumed, with a very slim attendance of members.

Mr. McCorMICK (Ren., Arizona) made an elaborate speech in support of the bill.

Mr. WARD (Ren., Ill.) made a speech against it, declaring that such an appropriation had no authority in the Constitution, and that Congress had just as much right to make an appeopriation to buy fireworks for citizens to let off in their private yards.

Mr. McCorMICK, in reply to Mr. Ward, read some extracts from The Onicago Inter-Ocean, advocating a liberal response to the appeal of the Finance Committee of the Centennial Celebration.

he Centennial Celebration.

Mr. MEYERS (Rep., Penn.) reminded Mr. Ward of the

Mr. MEYERS (Rep., Feal.) remaining and the whole peo-generous response which went up from the whole peo-ple after the great Chicago fire, and 4then he proceeded to make a speech in support of the bill. Mr. WHITE (Rep., Ala.) followed on the same side. The debate was continued by Messrs. ALBRIGHT (Rep., Penh.), LOFIAND (Rop., Del.), and HAZELTON (Rep., N. J.) in support of the bill, and, finally, the House at 10.23 adjourned.

"Met of the process o

Giman & Crooks's assertion to the contrary notwithstanding.

I shall also correct an error of Mr. Giman's, when he
speaks of the "party wall of Mr. Hunt's work." We did
not build this party wall, and were not allowed to interfere with it, Mr. Sievens not owning at the time the adjoining house and lot. We did build an addition to it,
however, to make it of the thickness required by law.
About the relative merits of foundations on piles, concrete, &c., there is no occasion to write a treatise here.
The text-books give that information. I subjoin the
report of the Building Department, which mainly suggests the remedies for the damage done, and incidentally
makes a remark—non-committal enough—on its origin.

New-Tork, May 5, 1814.

two have badly spring and the brick piers have cracked and bulged, and have been partially crushed. The southern pier above alluded to his settled sufficiently to impose nearly the entire weight of the half of the front upon the small iron column, the girder over the lower opening having its end entirely raised from the main pier.

The cause of the settlement in the above pier is not clear. It probably has been accompand, however, by

pier.

The cause of the settlement in the above pier is not clear. It probably has been occasioned, however, by the construction of the addition to the building recently exceed, but as it has probably settled as much as it will, we do not think the foundation would be improved by underpinning it, and it might be made worse from the difficulty of doing such work in such a position.

The weight should be removed from the small columns and the columns shortened, or the stone bases cut down, so as to relieve them of the weight to which they are now subjected and let it rest upon the main pier originally intended to carry it. We think it will be necessary to support the front from the underside of the string or story bands under the windows of the 4th floor, so as to take out and rebuild the defective portions of the piers from level of cornic over store front, to the under side of said story band.

We would also suggest that an iron garder of proper strength be inserted above the windows of the third floor, within the stonework, resting upon the two main piers and well secured to them, in place of the now broken arch, so as to prevent the possibility of the pier on the northerly angle being trust out of perpendicular by the flat arch over the double window of the third floor.

Hener L Dudley, Deputy Superintendent.

HENRY I. DUDLEY, Deputy Superintendent, EDWARD C. MALOY, Inspector Ninth District.

By special request of the Department of Buildings, I made a careful survey with the above-named officers, and fully indorse and approve their report.

Example District Architect.

HERRY DUDLEY, Architect.
Chairman of Examining Board American Institute

THE COURTS.

THE JUMEL ESTATE CASE.

ARGUMENTS OF MESSES. CHATFIELD AND O'CONOR. In the United States Circuit Court yesterday ex-Attorney-General Chatfield replied to Mr. O'Conor's argument for an injunction restraining George Washington Bowen from bringing any more writs to eject the Chases from the Jumel estate. It was, he said, not only a very peculiar but an entirely novel case, the object of the plaintiff being "to take away the jurisdiction of a court of law, and prevent, by injunction, a person from bringing suits to recover equities which justly belong to him." That, he claimed, could not be done, because it would involve the restraining, by this Court, of the United States Supreme Court from hearing an appeal in the matter, and because there is no process of law by which a citizen can be deprived of his rights. It was urged by Mr. O'Conor that Mme. Jamel divested herself of the title to the estate in question by deeding it in fee simple to ther adopted daughter, Mary Jumel Bowen, who subsequently conveyed it to Michael Werkmiester in trust for the benefit of Mme. Jumel, and with a power to designate to whom the estate should go after her death; and that, having exercised that power, she had when she died, no property which Bowen could inherit, even if he were what he claims to be. In replying to that point of Mr. O'Conor's argument Mr. Chatfield recited the heretofore published history of the Jumel estate, referred at considerable length to the English law governing trust estates, and contended that

glish law governing trust estates, and contended that the trust deed to Werkmiester was not, according to take law, a valid one.

A long discussion them followed relative to the owner ship of 9 is acres of land lying along Kings Road, and Mr. O'Conor admitted that it belonged to the separate estate of Mr. Jumel, and lustised, therefore, that Jumel's heirs were the only persons who could claim it. After a brief review by Mr. O'Conor of the evidence of the Chases' title to the estate, Mr. Chatfield raised the old question of what deeds had or had not been proved, and attacked the conveyance by Mine. Jumel ts her adopted daughter, on the ground that it was, as he claimed, without a valid consideration. A long citation of authorities in support of his positions followed. Mr. Chatfield's main position on the question of the Chases' title to the estate seems to be that, by the deed to Mary Jumel Bowen, Mine. Jumel did not divest herself of the alleged want of consideration.

In replying to Mr. Chatfield, Mr. O'Conor briefly summarized his opening argument in this case, and contended that according to law the deed executed by Mine. Jumel to Mary Jumel Bowen gave her all indeneable title to the estate described in it, and that she could therefore convey in trust for the benefit of Mine. Jumel, with a power to designate the persons to whom it should no longer be made the subject of legal contention, but should be "quieted." or, in other words, that by decree of the Court the Chases should be put in peaceful possession of the estate. "Their title to it." said, Mr. O'Conor, "is as sum as a bug in a run." He

by decree of the Court the Chases should be put in peaceful possession of the estate. "Their title to it." said, Mr. O'Conor. "Is as saug as a bug in a rug." He closed his argument by citing numerous authorities in support of his position, and Judge Blatchford reserved his decision.

TWO SIDES OF THE SPRAGUE CASE. ARGUMENTS OF THE HON. FRANCIS KERNAN AND EX-JUDGE VAN COTT.

The Sprague trial draws to a close. The Hou. Francis Kernan made an elaborate speech for the defense, yesterday, in which he referred to all the principal points of the evidence. He claimed that Sprague never intentionally used a dollar of the city's money, and that even if the checks in evidence were paid the banks on which they were drawn were responsible for the amounts. Ex-Judge Van Cott spoke for 2½ hours, during which he contended that Sprague had shamefully neglected his duties as City Treasurer and should be punished. The Judge's charge will be given this

Upon the opening of the Court, Mr. Van Cott stated that he would press for a conviction on 15 counts of the indictment, which are those referring to the transaction Jefferson car stock, Fulton Bank stock, the Long Island Club loan, the Willow-st. property, and the theater property. The Hon, Francis Kernan then began to sum up.

ABSTRACT OF MR. KERNAN'S ADDRESS.

The question, said he, is just this: Is this man a thief by intention—is he a felon! Mr. Sprague never dreamed of cheating the city. The indictment was originally for stealing the city's moneys; it is now reduced to ombezzlement. But did he embezzle the money 1 To embez zie we must have felonious intent-criminal intent to rob. The question is, Did he have the intent when he took it to keep it, or did he take it with a felonious intent ! You must be satisfied that he took money belonging to the city, and then that he took it with a felonious intent. Did he convert money to his own possession ! He thought he was borrowing money from the Trust Company, and he never intentionally used a dollar of the city's funds. He is directed by the charter to receive all the city's money, and deposit the same in such de-positories as should be designated by the Common Council. Those banks hold the money, and only repay it on the warrant of the Mayor. When the money is handed over to the bank it ceases to belong to the city, and if that money is stolen the city cannot loose it. Mr. Sprague, a man of property, having a large amount of collaterals on hand, which he confided to Rodman's care, wanted \$4,925. He went to his bank and obtained a check from the Trust Company on the Nassau Bank. Now, whose money was that! Was it not the money of the Trust Company! He borrowed it from the Trust Company and afterward paid it back with interest, and now he is charged with embezzling this money from the city. Ou October 10 there came into the Treasurer's office a couple of city drafts; he indorses them. Does he embezzle the checks! No; they pass into the the hand of the cashier of the bank. They take the drafts and stamp them, "For deposit to the credit of the Brooklyn Trust Company in the Nassau Bank." Then they are sent to the bank and deposited thereevery dollar received that day. How could be steal, then, on Oct. 10, \$4,995! Then Rodman makes a ticket, having got all the money, places the full receipts, \$13,312 84, in the deposit tickets, then deducts the \$4,995. Who did that! Where is the wrong against the prisoner! The next charge in the inductment is the transaction of Oct. 15 and 16, 1870, where the defendant!; charged with embezzling \$2,300. This was all paid to the Trust Company, and deposited, short by them, in the bank. On Nov. 5 the Trust Company made its check to the order of Sprague for \$2,200, and it is indorsed by him and Judge McCae. Rodman says the conversation took place in the presence of Judge McCae. Did Sprague steal that money! Rodman is an embezzler of his own funds, by his own testimony. In four years he has a private account of over \$460,000, and in balancing his accounts he is \$14,000 overdrawn—a defaulter. Sprague borrowed money on the 5th, and paid interest from that day. The next transaction is lon Jan 16, 1871, in which he is charged with embezzling \$10,000. On that day there came in receipts \$10,800, and this was deposited by the Trust Company in the Nassau Bank, and the Trust Company that day loaned \$10,000 to the Long Island Club. The President of that Club assed Rodman for the loan, and then went around and had the note indorsed. How has Mr. Sprague stolen this money! Is it wanted \$4,995. He went to his bank and obtained a check from the Trust Company on the Nassau Bank. Now,

Judge only obtained silence by threatening to clear the court-room. After recess ox-Judge Van Cott made his address for the people.

court-room. After recess ex-Judge Van Cott made his address for the people.

The counsel for the defense, said he, claim that no offense has been committed, on the grounds that the money taken was not the city's money, and acuin that it taken it was not money, and that if money, it was not taken with intent to retain it, but to return it. Now, first it was the duty of the Treasurer to deposit daily the moneys he had received. The evidence is that there was a deficiency of \$163,000; and the Controller says that the Treasurer endeavored to coverlup the default. The fact of the deficiency is not disputed. The Treasurer having charge of the city's money would reserve out of the deposits, sometimes large and sometimes simil amounts, but the defense showed that on other days there were over deposits which made up the short deposits; and yet in the aggregate there was a large deficiency. At various daies the deficiencies were hundreds of thousands of dollars, and there were only two persons who knew what was done with the money. Sprague has not explained this, and so it must be admitted that he used the money. Mr. Sprague enters upon the dutties of his office as Treasurer on Jan. 1, 1393. First he changes the office to the Trust Company, and next has the office of Deputy Treasurer created. He has the appointment of this Deputy, and had the selection of the whole city for a fit man. But he waiks into the Trust Company's office and finds Rodman, whom he appoints at once. Rodman then was a man of irreproachable character, and had served in various places of trust and honer, and the lower have not cast a stam on his character. If he is now a wretch as the defouse describe him, he must have become so while he was with Sprague. Both seem to have had good characters up to Jan. 1, 1890, and then they both fell together. The defense have denounced Rodman, but the big pot must not call the little kettle black. The deficiencies were retained from the city's deposit, and placed to the credit of Sprague in the Trust Company, and a

City's deposit was \$10,000 short, where did it come from?

Mr. Van Cott then referred to the transactions, one by one, and contended that all the money went to Sprague and none remained in Rodman's fingors. What motive had Rodman, as a volunteer, to place himself in peril, and when he was not to get a dollar by it! There is no onswer to this, and the only inference is that he did it to onlige his friend Sprague. The counsel referred to the sinking fund defletency and to Sprague's payment of the last installment by a check under the name of C. Ashley. In reference to the \$55,000 Central Bank matter to save the Trust Company's credit! Why did not Sprague remove Rodman when he found out about this matter! Then again, about his generosity; he turned over his property and securities when he was hedged around by his bondsmen; but what was the value of this property! Why, it is nearly all swallowed up by advances made by several banks.

A SINGULAR BANK SUIT. ALLEGED COLLUSION BETWEEN THE MERCHANTS'

NATIONAL BANK AND A MANUFACTURING COM-PANY.

There was an argument yesterday before Judge Lawrence, in Chambers of the Supreme Court, in the suit of Aaron F. Williams against Philip Tillinghast and others. The papers of the plaintiff aver that over ten years ago a corporation was organized in this State called the Waterville Manufacturing Company. The duration of the corporation was limited by charter to ten years. The capital stock was \$80,000, of which there were three holdeers and trustees: Philip Tillinghast, sen.; Philip Tillinghast, jr., and Robert B. Tillinghast, the other son. Mr. Tillinghast, the elder, held 78 of the 80 shares, and a few months before the expiration of the term he applied individually to the Merchants' National Bank of this city for a loan. Between April and May, 1872, the loans were made, amounting in the aggregate to \$50,000, the stock owned by Mr. Tillinghast in the manufacturing corporation being pledged as collateral

to \$50,000, the stock owned by Mr. Tillinghast in the manufacturing corporation being piedged as collateral security. The Company's time expired Dec. 8, 1872, at which time it had a capital of \$80,000, and assets representing also that amount on hand, the bank still holding the stock of Philip Tillinghast. This was the position of all parties at the time of the dissolution. A few weeks afterward, instead of winding up the affairs of the corporation as provided by statute, the three Tillinghasts reorganized the Company, took in E. W. Brown (one of the defendants) into the firm, and took all the assets of the oil firm.

The plaintiff is a creditor of this Company, and the indebtedness upon which the action is brought was upon a drast drawn by the Company—not the corporation—after the term of its existence had expired. The plaintiff charges that the bank kept on dealing with the firm, giving it credit, &c., without taking any steps to have it wound up, until the Company failed, owing about \$100, when the bank began an action against the Tillinghasts, and find a receiver appointed. It is further charged that tais was done by the bank in collusion with the Tillinghasts, for they put in no answer at all, and a new receiver is asked for, as well as an injunction restraining the other from acting.

In response to this application an affidavit by the President of the Merchaots' National Bank was read, in which a dental is made that the bank was in collusion with the Tillinghasts, or that it carried on business with the firm is indebted to it in \$50,000, and it avers that the plaintiff never was and is not a creditor of the defence corporation, and has no right or share in its property. Decision reserved.

THE LAW OF ALIMONY. RIGHES OF A WOMAN THRICE MARRIED.

Among the cases coming up before the General Term of the Supreme Court (Judges Davis, Brady, and Daniels) during the May Term is one that furnished ground yesterday for considerable discussion regarding the law of alimony, or, to put it more specifically, re-garding the right of a woman who has been thrice married to demand alimony from a former husband while living with another. The appellant in the case is Thos. C. Shepherd, and the respondent Jeannette Shepherd, the counsel for the former being C. W. Sandford, and for the respondent Wm. F. Shepherd. From the arguments of these gentlemen the story is developed that the respondent at the time of her marriage with Shepherd was a divorced wife, receiving \$672 yearly as allmony. This second marriage proving similarly unfortunate, a second divorce followed, and appeal to the courts resulted in her obtaining \$3,000 a year alimony from Shepherd. The lady a third time changes her name, and appears now as the wife of C. L. Anderson, and a little later comes again before the public gaze to answer Shepherd's application to the Special Term to be relieved from paying any more allmony, or at least

be relieved from paying any more alimony, or at least to reduce the amount of it. The metion of Mr. Shepherd was denied, and it was this judgment which came up yesterday before the General Torm.

Mr. Sandford, on Mr. Shepherd's behalf, argued long and carnestly, insisting that there was—or, at least, ought to be—no reason in law why one man should support another man's wife; that the moral and legal duty of this support was imposed upon the new husband; that it is illegical to say there can be two husbands, both assuming this colligation. If there could be two, he asked, why could there not be a dozen or an unlimited number. In the present case there were three men contributing each no insignificant mite to the pecuniary confort and enjoyment of this fortunate respondent. It was certainly enough for Mrs. Anderson, formerly Mrs. Shepherd, formerly Mrs. Somebody else, to have the option of retaining this alimony or abundoning a proposed new marriage, and she ought not to be granted the society and protection of a third husband at the expense of the second. The counsel's closing observation was that, as he was informed, the lady had not been so deeply in love as not to take advice as to the effect of a new husband on the alimony question.

advice as to the enect of a new assoand on the airmony question.

In reply, the counsel for the respondent cited numerous legal decisions and opinions, taken from the court records of this country and England, all showing that the allowance is fixed in view of all the circumstances. She is not to be punished for the fault of her husband by being prohibited from marrying through fear of poverty. Decision reserved.

THE FURNISS WILL CASE. JUDGE VAN BRUNT DECIDES IN FAVOR OF THE PLAINTIFF. A suit was brought in the Court of Common

Pleas some time ago, by Leon Furniss, one of the heirs

of the late William P. Furniss, against the executors of the estate. The action was to compel them to make a partition, so that he should receive the full income from one-seventh of his father's estate, after making certain deductions prescribed by the will. This is one of a class of controversies very frequent at this time, and which, if they could be foreseen by the testators, would go far to effect the framing of wills in such a manner as to save litigation and expense after their death. The executors had reserved the estate, and thereby reduced the income of the plaintiff, as he claimed, to one-fifth of the proper amount, had his share been made productive. This action was defended by claiming discretionary powers under the will, and any adjustment was refused except upon the terms made by the executors, and to which the plaintiff could not assent. The case was tried before Judge Van Brunt, who decided in favor of the plaintiff. On the trial it was shown that a partition of the estate could be made, and that the not build this party wall, and were not allowed to interfer evinit, Mr. Stevens not owning at the time the adjoining house and lot. We did build an addition to it,
however, to make it of the thickness required by law.
About the relative merits of foundations on piles, concrete, doe, there is no occasion to write a treatise here.
The text-books give that information. I soujoin the
makes a remark the counsel should be successed to the substitution of the state of the damage done, and incidentally
makes a remark the counsel said: Rodman was doing this work alone,
and had probably used of their money to make up that
the souther had been to be large. Rod
man, to save himself from sake prison, tells the former
peases the remark committed enough—on it is corgan.
New-York, May 5, 1814.

REPORT OF THE BUILDING DEPARTMENT.
CHARACTER OF THE DAMAGE—MEASURES OF SAFETY
REQUIRED.

DEPARTMENT OF BUILDINGS,
OFFICE OF SUPERIMENTS, No. 2 FURTHAYE.

WALTER W. ADAMS, etc., Septimendent of Buildings
SIR: We have made a careful examination
of the Fifth-ave, front of the building on Tennity-setcenth-at, extending from Firth-ave, to Broad, and in doing
so has imposed the weight of the central
ine southern per of the front of the portion of the building on Tennity-setcenth-at, extending from the portion of the building on Tennity-setportion of the front of the portion of the building on Tennity-setportion of the front upon the
son is a partition of the cattle excellents and the money to make the plaintiff, to a partition, and that the
property involved, or a portion of the estate could be called to the make a division, as also
proved that the executors had bead on the a large sum
that the property involved, or a portion of the central property law, and in the city. Rodman was along the law to have read that the move a large sum
that the property involved, or a portion of the central property law, and that as the motion of the sealing the sum that the mere and the law the make a division, and that the
property involved, or property involved, or a portion of it could be sold so as

might be proper. The legal expenses incident to this trial outside of the personal expenditures of the parties to the suit amount to over \$12,000, which have to be paid out of the estate.

LAWYERS' FEES UNSUCCESSFULLY DISPUTED. In the Superior Court, before Judge Curtis, John E. Risley, a lawyer of this city, formerly a resident in Indiana, sued William H. Smith and others for \$5,000, on a draft drawn on the defendants. In 1867, in making the arrangements for the building of a Western railroad, Risley was employed by the company to obtain persons to take contracts for the work. The entire amount of the contracts was to have been alough \$1,400,000. The defendants finally agreed to take the contracts, and made one amounting to \$255,000 with the company, \$250,000 to be paid defendants as the work progressed, and \$5,000 as Mr. Risley's fees, likewise to be paid in installments. But the defendants nover carried out the contract, and in order that the road might be completed, the contract was surrendered to the Company and canceled, and the road completed by other contractors. The Company refused to pay Mr. Risley's fee, as the contract which he procured was not carried out. The defendants refused on the ground that, as the contract was not carried out, they were not obliged to pay, and that the President of the road, as shown by the evidence, was to furnish a portion of the \$6,000. The Court directed a verdict for the plantial in \$6,510 as, the amount of the principal and interest. Mr. Risley conducted his own case, and Stephen P. Nash appeared for the defendants. the arrangements for the building of a Western rail

A CITY RAILROAD SUED.

Thomas Hamilton brought suit yesterday in the Superior Court, before Judge Speir, against the Third ave. Railroad Company for damages, laid at \$1,000, consequent on his ejectment from a car belonging to consequent on his ejectment from a car belonging to that Company. His story is that in August, 1868, he got into a car at Ninety-first st., and at Sixty-fourth st. was obliged to change cars. He was told by the conductor of the car he loft and of the car in which he started sgain that he needed no check to continue his ride, but on reaching Fifty-sixth-st he was ejected for not repaying his fare. The Company claims that they cannot find that any such occurrence ever happened as told shows. The case was proviously tried, and a small amount given in favor of the plaintiff. Upon appeal, a new trial was ordered, the result of which vesterday was an award in favor of the plaintiff of \$1,500.

CRIMINAL NOTES. Eugene M. Cammeyer, of the firm of E. M. Cam

meyer & Co., charged with having committed acts of framindent bank-rapter, was held resterday by Commissioner Betts to await the action of the Grand Jury. In the Court of General Sessions yesterday, Judge

In the Court of General Sessions yesterally, Judge Suberland presiding, John McCabe and William Cowan pleaded guilty to a charge of grand larcery, and were sentenced to five years in State Prison, fee. Eliis and William Thompson pleaded guilty to a like charge and were sent to State Prison for air months; Thomas Mortons and Thomas Gookman pleaded guilty to stablung Thomas Couloner, and were sentenced, the former to two years in the Penliculiary, and the latter to two years in the Penliculiary, and the latter to two years in the Penliculiary, and the latter to two years in the Penliculiary, and the latter to two years in the Penliculiary, and the latter to two years in the Penliculiary, and the latter to two years in the Penliculiary, and easi to the Penliculiary for one year.

Patrick Brady of No. 293 West Thirty-second-st., Patrick Brady of No. 263 West Thirty-second-st., heard a noise in the rear of his house at 1 a. m. resterday, as if some person was trying to force an entrance. Etising, he went in the direction of the sounds, and entering a back room he saw a nean entering through a window. He raised an alarm which aroused the other innates, excerat of whom hastened into the rear yard in time to eatch the burgiar, who was descending by the fire-scape, the means by which he had ascended to the upper rooms. He gave his name as Thomas Dwyer. Two silver watches found on him were recognized by John Goyne and John Hammill, who live in the same house with Brady, as their property. At the Jefferson Market Police Court resteniar, these charges, one of bargiary and two of petit larcenty, we made against him. Judice Marray committed him, in default of \$2.000 ball, to answer. Michael McGill and James Russell were arraigned on a charge of crucity to anisals, on complain of Russell were arraigned on a charge of crucity to anisals, on complain of Russell were arraigned on a charge of crucity to anisals, on complain of Sammel Shields, one of Mr. Bergh's officers. Their offices was working horses that were unit for labor. They were head in \$300 ball.

DECISIONS-MAY 6. Supreme Court-Chambers-By Judge Donohue .-

Supreme Court—Chambers—By Judge Donohue.—Simmons agt. Simmons.—Judgment ordered. Noonan, administratite, aggruphy. Cameron agt. Hein, &c.—Motion denied.

Br-Jaige Barrett.—Kissam agt. Gray.—Motion denied. (Ree mem.)

Br-Jaige Barrett.—Kissam agt. Gray.—Motion denied. (Ree mem.)

with the state of the state. The state of the stat

Common Pleas-Special Term-By Judge Loow .-Nian agt. Warren. - Motion dealed. See mem. Van Alaine agt. Rot neen. - Motion dealed without costs. Owen agt. Priciman. - Motio granted.

By Judge J. P. Dair —Cornell ant. Wesschelmer.—Demorrer over-ruled, leave to plaintiff to reply in 20 days on payment of costs.

General Term—By Chief-Justice Dair,—Booper agt. Noeths.—Judg-ment affinol.

CALENDARS-THIS DAY SUPREME COURT-CHANDERS.-LAWRENCE, J.

SUPREME COUNT—CHAMBERS.—LAWRENCE, J.

15. Rockland Co. N. G. Co.
31. Mailland agt. Paine, Imp.
&c.
22. Coe agt. Hobler, &c.
49. Connery act. Manning.
60. Brown agt. Oliver.
62. Dreyer agt. Hyman (3 motions).
66. Bixby agt. Westcott.
72. Phillips & ann. agt. Grand
Tower M. & Transportation Co. et al.
73. Lever act. Green, Con.
74. Smith agt. Cultiman.
76. Power act. The Mayor, &c.
76. Noel, &c. agt. Brown.
76. Collins agt. Merry.
115. In the matter of Vourhs.
117. Histon. &c. agt. Exited.
118. Lounces Bank of N. Y. agt.
119. Committing.
124. Sagin agt. Serth. &c.
124. Sagin agt. Serth. &c.
125. Roberts agt. Rowley, &c.
126. Roberts agt. Rowley, &c.
127. Meacher agt. Neill.
128. White agt. Wite.
129. Morgan agt. Hans.
120. Roberts agt. Rowley, &c.
120. Hards agt. Hans.
121. Morgan agt. Hans.
122. Caldwell agt. The Commer-

2. Coldwell agt. The Commercial Warehouse C.

8. Chuham Nat. Bank agt.
The Merchanter Nat.
Monteguie, The Merchants' Nat.
Bank of W. Va.
17. Buchanan Farm Oll Co.
agr. Hoodman et al.
50. O'Toole agt Garvin and Montegnie, 147...McDonald agt. The Mayor, &c. 148..Erie H. R. Co. agt. Vander-148. Eric R. R. Co agt Vanderbill.
149. Harrison et al. agt Chapman.
150. Aakban agt Chapman, imp?d.
151. Greene agt Trast.
152. Saltonstall agt Lard.
153. Sugitab and ano, er'rs, agt Storie.
154. Clerk agt Donaldson.
155. Batterworth agt Voltering.
156. Richardson agt Virtue.
157. Woodraff agt Leonard.

CICUIT-PART L-DONORUE, J.

CICUIT—PART L—DONORUR, J.

1415. Longh and ano. agt. San chez.

1417. Phillips agt. Perry and ano.

1455. Bates et al agt. Barber and ano.

1471. Rebinson agt. Jones.

1477. Maxwell agt. Ocden.

1493. Herman agt. Dingel.

1497. Nelvon agt. L. Ralicond

Co.

1491. Wilson agt. Jewett.

1503. Johnston agt. Johnston. et al.

1567. Claffin et al agt. Sterling.

1503. Schonton agt. Davis.

1573. Hegma agt. Oakler.

1573. Hegma agt. Oakler.

1573. Hegma agt. Oakler.

PART III.-LANDON, J. Opens at 10:30 a. m. PART HI.—LANDON, J. Opens at 10:30 s. m.

2549. Nelson agt. The Mayor, &c.
1505. Melain agt. Mayor, &c.
3131. Jacobson agt. Bassford.
1709. Skales agt. Wilson.
2533. Heatherton and ano. agt.
105. Chain et al. agt. Minses 3131. Jacobson agt. Bassford.
1709. Slate agt. Wilson.
2533. Heatherton and ano. agt.
1709. She was agt. Kelly Sherif.
427. Cornell agt. O'Brien, Shirl.
599. Bank of California agt.
Colins.
2921. Smith agt. Mayor. &c.
3127. Green agt. The Mayor. &c.
3125. Mullally agt. The Mayor. &c.

3125. Mallally agt. The Mayor. &c. Surganion Court — Tarat Term — Pant I.—Curtis, J. 751. Parsons et al. agt. Sutton 1811. Maginn et al. agt. Dinsmore. 1873. Morey agt. Safe Deposit Co. 41. Amerinan agt. O' Brien. Shg. 879. Merchaniv Ex. Nat. Bant 2879. Merchaniv Ex. Nat. Ban 731. Parions et al. agt batton 873. Morey agt Safe Deposit Co. 41. American agt O'Brien, Saf. 879. Merchante Er. Nat Bank agt Com. Ina. Co. 263. Wileon agt Meyer. 250. Smith agt Fred. 1647. Whitney agt Mayor, &c. 1759. Randall agt Dusenbury.

PART IL SPRIR. J. me et al. | 936. Davis and out. agt. Bubes PART II.—

970. Hamilton et al. agt. Siedee.

780. Bittong agt. Chamberlain

634. Badenhop agt. McCahill

678. Rocks agt. Campbell et al.

978. National S. S. Co. agt.

Plate et al.

904. McMicken et al. agt. Law
rence. 392. Misrion agt. Hope.
392. Misrion agt. Hope.
890. The Diamond State Irea
Co. agt. Limbargor.
874. McCourt agt. The D. D. R.
B'way and Battery E. E.
778. Tuska agt. Scheuple et al.
158. Cambell agt. Seer et al.
632. Chaffin et al. agt. Mejer.

870. Keep agt. Kufinan et al. COMMON PLEAS—GENERAL TREM—RODINGON, P. J.; VAN BRUNT and LARREMORE, JJ. 131. Preser and suo, agt. Wil-liams.

131. France and suo, agt. Wil139. McLaughlin agt. McDonneil.
154 (two cases). Elkins agt.
155. Haurich agt. Buch.
159. Blumenthal agt. Higgins.
143. Whearty agt. Rosenthal.
145. Nuss agt. Feldman.
147. Wheeler et al. agt. McCabe
et al.
148. Mariga agt. Brockman et al.
149. Brown agt. Doe et al.
150. Brown agt. Moguire.
152. Maguire agt. McKrow.
153. Frank et al. agt. Covert
153. Tinker agt. Morgan.

TRIAL TERM-PART I.-LORW. J. 2656. Fallon agt. C. P. N. and E. Railroad Co.

beimer et al. agt. Minse-beimer et al. 1195. Hartung agt. Boche. 581. King agt. King. 447. Wormer agt. O'Brien, Sheriff. 483. Farrar Coal Company agt. Same.

475. Long agt. Same.

2656. Fallon agt. C. P. N. and E. Railroad Co.
Manine Court—Tanat. Tenn.—Part I.—Gnoss J.
3647. Andrews agt. Lane and ano.
2105. Herman agt. Simon.
2379. Saunders agt. Schneitacher.
4785. Pelfer agt. Bucabelsker.
4785. Pelfer agt. Bucabelsker.
4204. Cabot es al. agt. Lawrence
et al.
4204. Cabot es al. agt. Lawrence
et al.
4216. Pritchard agt. Moss.
4226. Velor agt. Brais et al.
4239. Propuso agt. Harvey.
4208. Bucher agt. Cuber.
4209. O'Dwyer agt. Quinn. 3020. Cabot et al. agi. Lawrence 3020. Nordinger agt. Cornell. 4246. Pritchard agt. Moss. 4248. Moore agt. Blake et al. 4249. Perpassa agt. Harvey. 4252. Vetter agt. Frey.

PART II.—JOACHESEN, J.

3748. Lewine agt. Alemania Fire
1. Co.
3821. Thomey agt. Maylina.
3897. Enna ins. Co. agt. Charles.
5787. Hargons act. Holosachoo.
3795. Mainbard agt. Loedir.
4012. Corn Warehouse Co. agt.
Brinckorboff.
444. Ennusets agt. Donnelly.
4193. Hagari agt Bremuni.
4197., Coleg agt. Rose.
4197., Coleg agt. Rose.
5182. McCalce agt. McMaba.